PUBLIC NOTICE

PUBLIC NOTICE OF DRAFT NPDES PERMIT TO DISCHARGE INTO WATERS OF THE UNITED STATES

U.S. Environmental Protection Agency
Region 5, NPDES Programs Branch - WN-16J
77 West Jackson Boulevard
Chicago, Illinois 60604
(312) 353-2124

Public Notice No.: 08-09-02-A

Public Notice Issued On: September 19, 2008 **Comment period ends:** October 20, 2008

Permit No.: MN-0052540-3 (REISSUANCE)

Application No.: MN-0052540-3

Name and Address of Applicant:

Great Lakes Gas Transmission Limited Partnership
130 West Superior Street
Duluth, Minnesota 55802

Receiving Water: Waters of the United States

DESCRIPTION OF APPLICANT'S FACILITY AND DISCHARGE

Great Lakes Gas Transmission Limited Partnership (Great Lakes) operates a natural gas pipeline that serves portions of Minnesota. This permit covers activities related to the pipeline that are within the exterior boundaries of the Leech Lake Indian Reservation (Cass and Itasca Counties) and the Fond du Lac Indian Reservation (St. Louis and Carlton Counties).

Great Lakes performs routine maintenance and inspection of the pipeline on a regular basis. Periodically, this results in the need to repair and/or replace portions of the pipeline. During the inspections, water from ground seepage and surface runoff may accumulate in the pipeline trench. When the accumulation hampers inspection, the trench will be dewatered. The end of the pump intake hose will be held above the bottom of the trench to minimize sediment withdrawal. Discharge will be done in a manner that prevents soil erosion and other nuisance conditions, and controls surface runoff. Discharge will be to a well vegetated upland or wetland using a filtration/energy dissipation device, typically either a geotextile filter bag or a straw bale dewatering structure. These devices are designed to prevent erosion and to remove solids/sediments from the discharge.

Where necessary to evaluate pipeline integrity consistent with U. S. Department of Transportation safety requirements, the discharge of hydrostatic test water may be necessary. Hydrostatic testing is a common means of evaluating the integrity of pipelines. During these tests, water is used as the testing medium rather than as a process stream. Because no additives are used, it is anticipated that the water used will not change significantly and thus, will reflect the characteristics of the source from which it was appropriated. Additionally, the permittee may desire to discharge hydrostatic test waters resulting from construction or maintenance projects such as piping modifications at compressor stations, construction of a meter station, or replacement of a section of pipe. Hydrostatic test water will be discharged to surface waters and/or in the manner described above.

Storm water discharges are expected where pipeline projects and construction activities require significant clearing and grading.

Pipeline Locations

Reservation	Milepost		Legal Locations		
	Begin	End	Township	Range	Sections
Leech Lake	160.94	203.61	145N	32W	24, 25
			145N	31W	19,28, 29, 30, 33, 34, 36
			144N	31W	1, 2, 3
			144N	30W	1, 2, 3, 4, 5, 6
			144N	29W	2, 3, 4, 5, 6
			145N	29W	35, 36
			145N	28W	31, 32, 33, 34, 35, 36
			145N	27W	31, 32, 33, 34, 35, 36
			145N	26W	31, 32
			144N	26W	1, 2, 3, 4, 5, 6
			144N	25W	2, 6
			145N	25W	31, 32, 33, 34, 35
Leech Lake	207.10	207.53	144N	27W	26
Fond du Lac	267.53	281.29	50N	19W	22, 25, 26, 27, 36
			49N	19W	1
			49N	18W	6, 7, 8, 15, 16, 17, 22, 23, 26, 35, 36
			48N	18W	1
			48N	17W	5, 6

Discharge Limitations:

A. Hydrostatic Test Water

Effluent Limitations and Monitoring Requirements

The permittee is authorized to discharge hydrostatic test water. Such discharges shall be limited and monitored by the permittee as specified below:

Parameter	Effluent Limitations Daily Min.	Daily Max.
Total Discharge Volume (MG)		(Report)
Total Suspended Solids		30 mg/l
Dissolved Oxygen	5 mg/l	
pH (standard units)	6	9
Oil & Grease		10 mg/l
Chlorine, Total Residual		0.038 mg/L
Treatment System, Discharge and Receiving Water Inspection		(Report)

B. Trench Water

A. All trench water discharge activities must be discharged in a manner that does not cause nuisance conditions, erosion in receiving channels or on downslope properties, inundation in wetlands causing significant adverse impact to the wetland.

B. The permittee must ensure that discharge points are adequately protected from erosion and scouring. The discharge must be dispersed over natural rock riprap, sand bags, plastic sheeting or other accepted energy dissipation measures.

C. The use of BMPs represents the minimum technology necessary to meet the 'pollutant removal' goal of the CWA. If the BMPs employed to minimize sediment withdrawal prove inadequate to avoid the discharge of pollutants at levels which will cause or contribute to a violation of a water quality standard, additional treatment measures shall be taken.

D. Trench dewatering activities shall be conducted in such a manner as to avoid creating a turbid or sediment laden waste stream.

E. Depending on the discharge rate of the pump and the existing conditions at the construction site, treatment practices such as the following shall be used for sediment control:

1. Directing the dewatering discharge into an upland area with adequate vegetation which will serve to filter sediment from the water;

2. Directing the dewatering discharge into a filter sump constructed from silt fence and straw bales. A sump may also be used to contain sediment from the dewatering operations under frozen soil conditions or in areas where vegetation is insufficient to filter the discharge; or

3. Directing the dewatering discharge into a geotextile filter bag. Geotextile filter bags can be substituted for straw bale filtering structures and function in a similar fashion.

The end of the pump intake hose shall be held above the bottom of the trench to minimize sediment withdrawal.

C. Storm Water

In 1987, Congress reauthorized the Clean Water Act (CWA). Section 402(p)(2) of the 1987 CWA requires NPDES permits for storm water discharges associated with industrial activity. EPA has defined storm water discharges associated with industrial activity to include storm water discharges from construction sites which disturb 1 or more acres (40 CFR 122.26(b)(14)(x) and 40 CFR 122.26(b)(15)). The permittee will be required to develop and implement a Storm Water Pollution Prevention Plan and a Storm Water Management Plan. It should be noted that the storm water provisions in Chapter IV will only become applicable in the event that Ninth Circuit Court of Appeals vacates EPA's 2006 oil and gas construction storm water regulation. This regulation effectively exempted from NPDES permit requirements storm water discharges of sediment from construction activities associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities unless the relevant facility had a discharge of storm water resulting in a discharge of a reportable quantity of oil or hazardous substances.

Basis for limits: For storm water and trench water, best management practices will be used when necessary to prevent spoil or silt-laden water from leaving the project area or entering wetlands, surface waters, or drainage channels during and after the projects. Portions were taken from EPA's General Construction Stormwater Permit. Since there are no applicable effluent guidelines for this type of discharge, the effluent limitations and monitoring requirements for hydrostatic test water contained in this permit were developed using permit writer's judgment (PWJ) to protect state and tribal water quality standards where they are applicable and to be consistent with similar permits issued by the Minnesota Pollution Control Agency to similar dischargers.

EPA is the appropriate authority for purposes of certifying the proposed discharge under Section 401 of the Clean Water regarding discharges within the Leech Lake Indian Reservation. Clean Water Act Section 401 certification is not needed from the state or the Leech Lake Tribe as neither have water quality standards applicable to the receiving water at the points of discharge. Regarding discharges occurring within the Fond du Lac Indian Reservation, the Fond du Lac Band is responsible for 401 certification. On July 24, 2008, the Fond du Lac Band granted Clean Water Act section 401 water quality certification with conditions. We believe that the draft permit as written addresses the conditions put forth by the Band in its certification and believe it will be protective of applicable water quality standards.

ESA and NHPA Compliance

Each year the permittee consults with the U.S. Fish and Wildlife Service (FWS) to review the Minnesota portion of its pipeline system for the presence of federally-listed species and critical habitat within 0.25 mile of the pipeline. The permittee uses the information provided from the FWS to establish conservation measures that would minimize or avoid impacts on the listed species during project activities. The species information and conservation measures are reviewed by the FWS and upon approval are implemented by the permittee for the next 12 months. Since protection of threatened and endangered species and its critical habitat is also a permit condition, we do not believe that the issuance of the permit and its associated discharges will have an effect on those species, and therefore, we have met our requirements under the Endangered Species Act (ESA).

As part of previous projects, the permittee has also performed archeological surveys of its pipeline system within the Leech Lake and Fond du Lac Reservations. The permittee consulted State and Tribal preservation Offices during those projects to assure the archeological sites and traditional cultural properties are avoided pursuant to the National Historic Preservation Act (NHPA). Since protection of archeological and cultural resources is also a permit condition, using the above-referenced resources, impacts to known sensitive resources would be avoided, and therefore, we believe that with the issuance of the permit and its associated discharges, no sensitive resources will be affected and have satisfied our requirements under the NHPA.

TENTATIVE DETERMINATION

On the basis of preliminary staff review and application of applicable standards and regulations, the Regional Administrator of EPA, Region 5 proposes to reissue a permit to Great Lakes Gas Transmission Limited Partnership subject to certain effluent limitations and special conditions.

COMMENT PROCEDURES and PUBLIC HEARING

The determination to issue the NPDES permits is tentative. EPA's comment and public hearing procedures may be found at 40 CFR 124.10, 124.11, 124.12, and 124.13. The following is a summary of those procedures:

1. The comment period during which written comments on the draft permits may be submitted extends to October 20, 2008.

2. During the comment period, any interested person may request a public hearing by filing a written request which must state the issues to be raised. The last day for filing a request for public hearing is October 20, 2008.

3. In appropriate cases, including those where there is significant public interest, the EPA Regional Administrator may hold a public hearing. A decision has not yet been made as to whether a public hearing will be held for this permit. Public notice of such a hearing will be circulated in at least one newspaper in the geographical area of the discharge and to those persons on the EPA mailing list at least 30 days prior to the hearing.

4. All comments received later than October 20, 2008, may be considered in the formulation of final determinations.

5. Written comments or requests for a public hearing must be delivered or mailed to: John A. Colletti, U.S. Environmental Protection Agency, Region 5, NPDES Programs Branch - WN-16J, 77 West Jackson Boulevard, Chicago, Illinois 60604

The application and Public Notice numbers should appear next to the EPA address on the envelope and on each page of any submitted comments. It is important that all viewpoints are considered before taking action. Therefore, we greatly appreciate your time and effort in participating in the public participation process. EPA will notify the applicant and each person who has submitted written comments or requested notice of the final permit decision.

PETITION TO REVIEW

Within 30 days following the service of notice of the Regional Administrator's final permit decision, any person who filed comments on the draft permits or participated in a public hearing, if held, may petition the Environmental Appeals Board to review any condition of the permit decision. The petition should be sent to the following address: Environmental Appeals Board, MC 1103B, U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460.

AVAILABILITY OF DOCUMENTS

The application, draft permit, including proposed effluent limitations and special conditions, statement of basis, and other documents contained in the administrative record, are available for inspection and may be copied at a cost of 15 cents per page at the Chicago Regional offices of the Environmental Protection Agency anytime between 9:00 a.m. and 4:00 p.m., Monday through Friday. You may also view the public notice, statement of basis, and draft permit on Region 5's website at "http://www.epa.gov/region5/water/npdestek/notices.htm". All data submitted by the applicant is available as part of the administrative record. For more information, please contact John Colletti at (312) 886-6106 or by e-mail at 'colletti.john@epa.gov'.

Please bring the foregoing to the attention of anyone you know that would be interested in this matter.